

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

v.

No: 2:19-cr-01715-RB-1

JAMES CHRISTOPHER BENVIE,

Defendant.

**ORDER**

Before the Court is the government's Motion in Limine to Exclude Testimony of Certain Witnesses. (Doc. 41.) Defendant James Christopher Benvie intends to call the following individuals to testify: (1) New Mexico Governor Michelle Lujan Grisham; (2) Congresswoman Veronica Escobar; (3) New Mexico Attorney General Hector Balderas; (4) Congresswoman Debra Anne Halland; (5) Congressman Ben Ray Lujan; and (6) New Mexico ACLU Director Peter Simonson. (Doc. 39.) Relevant evidence "has any tendency to make a fact more or less probable than it would be without the evidence; and the fact is of consequence in determining the action." Fed. R. Evid. 401. Evidence that is not relevant is inadmissible. Fed. R. Evid. 402. At a pretrial hearing on Wednesday February 26, 2020, the government argued that these witnesses were not present during the events at issue, and they have played no role in the prosecution. These arguments are also reflected in its Motion. (Doc. 41 at 2.) Benvie did not file a response, but at the hearing he claimed that these witnesses pressured prosecutors to file charges in this matter. Given that Benvie provided no facts or evidence to substantiate these claims, and because prosecutors have discretion to bring charges, these six witnesses are not relevant to Benvie's case and the Court will not allow their testimony at trial.

**THEREFORE,**

**IT IS ORDERED** that:

The Court grants the government's Motion in Limine (Doc. 41) to exclude testimony of these six witnesses.



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**ROBERT C. BRACK**  
SENIOR U.S. DISTRICT JUDGE